

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 1 and 2. These sheets, which include Figs. 1-2, replace the original sheets including Figs. 1 and 2. The drawings have been amended to include a label for the crankshaft.

Attachment: Replacement Sheets.

REMARKS/ARGUMENTS

Claims 18-34 are pending in this application. Claims 18, 23, 25, 27-31, and 33 stand rejected and claims 19-22, 24, 26, 32, and 34 are objected to. Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 19-22, 24, 26, 32, and 34. In light of the remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Objection to the Drawings

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a) for failing to show the crankshaft. Applicants note that the crankshaft is shown in both Figures 1 and 2. Applicants have labeled the crankshaft in both figures. Applicants submit herewith two replacement sheets showing the labeled crankshaft. Favorable consideration of the enclosed corrected drawings is respectfully requested.

Prior Art Rejections

Claims 18, 23, 25, 27-31, and 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,509,491 (“Hall”). Applicants request reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. §102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present

in the reference. Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claim 1 not present in Hall is the “further drive element being arranged in line with said internal combustion engine, transversely to the direction of travel.”

As noted in the present specification,¹ a core concept of the present invention is the fact that an internal combustion engine and at least one further drive element, a change-speed gearbox according to FIG. 1 or an electric traction motor according to FIG. 2, are arranged next to one another and these elements which form a line are arranged parallel to the drive axle of a vehicle, which results in an advantageously compact drive unit. Specification as filed at 10.

The Examiner bases the present rejection on Fig. 4 of Hall. Applicants submit that Fig. 4 and its accompanying disclosure are silent with respect to the configuration and orientation of the drive components shown in Fig. 4. Figure 4 is merely a diagrammatic representation of a drive system. Because the figures in Hall are diagrammatic representations they are not to scale and no teaching about the respective orientation of the components can be garnered from the figures except for what is disclosed in the specification accompanying and describing the figures. See Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000) (The disclosure gave no indication that the drawings were drawn to scale. "[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue."). The description of the article pictured can be relied on, in combination with the

¹ These descriptive details are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations that are not claimed. Further, this is not intended to argue any interpretation of any claim term that is narrower than would be understood by one of ordinary skill in the art in the context of the specification and the claims as a whole.

drawings, for what they would reasonably teach one of ordinary skill in the art. In re Wright, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977); M.P.E.P. § 2125.

Applicants note that the disclosure accompanying Fig. 4 is silent with respect to the orientation of the depicted components. Therefore, based on the disclosure accompanying Fig. 4, one cannot rely on the figures to show the further drive element being arranged in line with said internal combustion engine, transversely to the direction of travel. The actual orientation and configuration of the drive components is not disclosed. Thus, because Hall fails to inherently or explicitly teach the “further drive element being arranged in line with said internal combustion engine, transversely to the direction of travel,” Hall does not anticipate claim 1.

Claims 19-34 depend from, and contain all the limitations of claim 18. These dependent claims also recite additional limitations which, in combination with the limitations of claim 18, are neither disclosed nor suggested by Hall and are also directed towards the patentable subject matter. Thus, claims 19-34 should also be allowed.

The rejection of claims 18, 23, 25, 27-31, and 33 under 35 U.S.C. §102(b) has been overcome. Reconsideration of the rejection of claims 18, 23, 25, 27-31, and 33, under 35 U.S.C. § 102(b) is requested in light of the remarks above.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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